

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK W. DOBRONSKI, an individual,

Plaintiff,

USDC Case No.

vs

State Case No. 23-16276-GC
18th District Court

SELECTQUOTE INSURANCE
SERVICES, a California corporation
And TUAN ENGLAND PHAM, an
Individual,

Defendant.

MARK W. DOBRONSKI
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Dexter, Michigan 48130-0222
Plaintiff in Propria Persona
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**DEFENDANT'S NOTICE OF REMOVAL BASED UPON FEDERAL
QUESTION**

PLEASE TAKE NOTICE that Selectquote Insurance Services and Tuan England Pham ("Defendants"), pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and 1367(a), hereby removes the state court action entitled *Mark W. Dobronski v. Selectquote Insurance Services* Case No. 23-16276-GC from the District Court for

the 18th Judicial District of Michigan to the United States District Court for the Eastern District of Michigan, Southern Division.

I. INTRODUCTION

On or about August 30, Plaintiff Mark W. Dobronski (“Plaintiff”) filed suit in the District Court for the 18th Judicial District of Michigan against Defendant. (**Ex. 1**: Plaintiff’s Complaint (“Complaint”)). Plaintiff’s Complaint contains four counts alleging violations of the Telephone Consumer Protection Act of 1991 (“TCPA”), 47 U.S.C. §227, the Michigan Telephone Companies as Common Carriers Act (“MTCCA”), M.C.L. §484.101, and the Michigan Home Solicitation Sales Act (“MHSSA”), M.C.L. §455.111: 1) violation of the TCPA – automated call; 2) violation of the TCPA – semi abandoned call; 3) violation of the TCPA – do not call; 4) violation of the TCPA – failure to supply policy; 5) violation of the TCPA – bad caller ID; 6) violation of the MTCCA, and 7) violation of the MHSSA (*Id.*, ¶¶ 94-112).

Plaintiff’s claims purportedly arise out of two phone calls Defendant allegedly placed to Plaintiff on August 10, 2023. Plaintiff claims that Defendant made each of these two phone calls and that each phone call was in violation of the TCPA, MTCCA, and MHSSA. (*Id.*). Plaintiff claims that the total amount owed by Defendant to Plaintiff is \$16,000.00.

II. FEDERAL QUESTION JURISDICTION

Section 1441(a) authorizes removal of “any civil action brought in a State court of which the district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a). Section § 1331 provides that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Jurisdiction under Section 1331 is referred to as “federal question jurisdiction.” *See Packard v. Farmers Ins. Co. of Columbus Inc.*, 423 F. App’x 580, 581 (6th Cir. 2011) (“28 U.S.C.A. §1331...confers federal question jurisdiction”). In the vast majority of cases, a claim “arises under” federal law and federal question jurisdiction is conferred when federal law provides a right to relief. *EBI-Detroit, Inc. v. City of Detroit*, 279 F. App’x 340, 345-46 (6th Cir. 2008) (citing *Eastman v. Marine Mech. Corp.*, 438 F.3d 544, 550 (6th Cir. 2006; *Am. Well Works Co. v. Layne & Bowler Co.* 241 U.S. 257, 260, 36 S.Ct. 585 (1916)).

Here, Plaintiff’s Complaint, and the right to relief alleged therein, require an interpretation of the TCPA, a federal law. Therefore, this Court has original subject matter jurisdiction under 28 U.S.C. § 1331, and removal of this action is authorized under 28 U.S.C. § 1441(a).

III. DEFENDANT HAS SATISFIED THE PROCEDURAL REQUIREMENTS FOR REMOVAL

A. Timeliness of Removal

On August 30, 2023, Plaintiff filed its Complaint. Defendant SelectQuote was served through its registered agent, Cogency Gobal, on September 20, 2023. **Exhibit 1, *Proof of Service***. Thus, Defendant's Notice of Removal is timely filed within thirty (30) days from the date of service of Plaintiff's Complaint on Defendant and within one (1) year from the date this action. *See* 28 U.S.C. § 1446(b).

B. Venue is Proper

Venue of this removed action is proper pursuant to 28 U.S.C. § 1441(a) because the United States District Court for the Eastern District of Michigan is the district court embracing the 18th Judicial District (without waiving any rights to transfer venue) in which the removed action was pending. *See* E.D. Mich. L.R. 83.10(a).

C. Notice

Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly file written notice of this removal and a copy of the Notice of Removal with the clerk of the state court in which this action is currently pending and will serve a copy of this notice on Plaintiff. Defendant will also file a copy of all additional papers in the state court record, if any, with this Court. By filing this Notice of Removal, Defendant does not waive, and hereby reserves, its right to assert any and all objections and defenses to Plaintiff's Complaint, including, but not limited to, lack of personal jurisdiction,

failure to state a claim upon which relief can be granted, improper venue, and forum non conveniens.

IV. CONCLUSION

The Court has original subject matter jurisdiction over this action based on diversity jurisdiction, 28 U.S.C. § 1331, and Defendant respectfully removes this action from the District Court for the 18th Judicial District of Michigan to this Court under 28 U.S.C. § 1441

Respectfully submitted,

TAFT, STETTINIUS & HOLLISTER, LLP.

Dated: October 13, 2023

By: /s/ Jonathan Sriro
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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system and served a copy of such filing on counsel of record via U.S. First Class Mail.

/s/ Tina M. Neddermeyer

Tina M. Neddermeyer

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